

#### REMARKS

This Request for Reconsideration is submitted in response to the Office Action mailed on 18 April 2008.

In the present request, no claims have been amended, added or canceled. The Applicant respectfully requests reconsideration of the application based on the previous claim amendments and arguments as well as the reasons provided below.

*In the Final Office Action of 18 April 2008, the Examiner maintained the rejections to claims 1-19 and 21 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,081,731 to Boltz et al. in view of U.S. Patent Application Publication No. US 2002/0165012A1 to Kirbas et al. In response, the Applicant respectfully disagrees with the claim rejections and submits that all pending claims are novel and non-obvious over the prior art of record for at least the following reasons.*

As stated previously, the present techniques are directed to restricting particular long distance telephone calls made from a wireless communication device with use of a host enterprise server. The host enterprise server is connected in a private communication network of an enterprise which is not part of any wireless communication network within which the wireless device is configured to operate. The wireless device is operative to regularly perform data synchronization, over a wireless link of a wireless communication network, for user data items of a personal information manager application of the wireless device and corresponding user data items stored in association with the host enterprise server. The wireless device is further operative to receive, over a wireless link of the wireless communication network, long distance call restriction information from the same host enterprise server system of the private communication network. The long distance restriction information includes information indicative of one or more allowable/disallowable country codes or area codes. The long distance call restriction information is stored in a user profile which is unique to the

individual and being one of a plurality of user profiles for individuals of the enterprise. The long distance call restrictions may be, for example, managed by an IT department of a corporation which has authority or control over the wireless device.

The present invention as defined by the claims discussed is advantageous over the prior art of record in that the same host enterprise server system of the enterprise that is utilized to regularly perform data synchronization for user data items of a personal information manager application (e.g. e-mail message data items or calendar data items) to also provide *private* control for restricting long distance calls from the wireless device. Such private control is separate from the governing wireless and telephony network, provided a flexible and convenient manner for enterprises such as companies and corporations, in a consolidated and centralized fashion.

In order for claims to be properly rejected under 35 U.S.C. § 103(a), the prior art in combination must teach or suggest each and every limitation of the claims. There must also be a proper obviousness/non-obviousness assessment that includes some adequate reasoning and/or demonstration that one ordinarily skilled in the art would have combined the teachings of the references to produce that which is claimed.

In this paper, the Applicant reiterates and clarifies previous reasons for allowability of the claims as provided in the previously-submitted amendment, and also addresses the Examiner's statements on page 2 of the Final Office Action in bold.

1. The Prior Art Relied Upon Do Not Teach Or Suggest A Host Enterprise Server Of A Private Communication Network Which Is Not Part Of Any Wireless Communication Network Within Which The Wireless Device Is Configured To Operate. The prior art relied upon by the Examiner do not teach or suggest a host enterprise server of a private communication network which is not part of any wireless communication network (i.e. cellular network) within which the mobile device is configured to operate. The host enterprise server of the present application is one that may be connected in a private communication network of an enterprise (e.g. a business

or corporation). Such private network is outside of and not part of any wireless communication network (i.e. cellular network) for the wireless device.

With respect to these limitations, the Examiner makes reference to Boltz et al. in column 2 at lines 50-53 and column 3 at lines 10-20, and indicates that “service area/network 10 which is the home network is a different service area from service area/ network 12 the visitor network).” *Such network, however, is indeed within and part of a cellular network within which the wireless device is configured to operate.* Boltz et al. teaches the use of a database in the SS7 signaling network (not a private network of an enterprise) or other public databases/networks. Thus, private control by the enterprise may not be easily obtained in Boltz et al.

**On page 2 of the Final Office Action, the Examiner states the following:**

**Applicant’s argument that Boltz fails to disclose a private communication network which is not part of any wireless communication network within which the mobile device is configured to operate is not persuasive for the reason that Boltz discloses that the mobile station 20 roams into a new MSC/VLR area 12 (col. 3 lines 10-19), when the mobile roams into a new service area, then the mobile is operating in a different network from that of the host enterprise server.**

From the above, the Applicant agrees that when the mobile subscriber of Boltz roams into a new service area, then the mobile subscriber is operating in a different PLMN from the PLMN having HLR 26. However, that is not what is claimed. What is claimed is a “host enterprise server being connected in a private communication network of the enterprise which is not part of any wireless network within which the wireless device is adapted to operate.” Since the different PLMN of Boltz is indeed part of a wireless network within which the mobile subscriber is adapted to operate, the teachings of Boltz are different from that which is claimed.

**The Examiner further states on page 2 of the Final Office Action that**

Boltz further discloses other MSC/VLR areas 12 within the PLMN or other PLMNs, a Public Switched Telephone Network (PSTN), an Integrated Services Digital Network (ISDN) or other wireline or wireless systems.

The Examiner's further reasoning above is misleading. The Examiner is apparently referencing the ISDN/PSTN/PLMN of FIG. 3 of Boltz. Note that this different ISDN/PSTN/PLMN is the network through which the call attempt for the outbound call may be made via link 28, and does not pertain to the service area within which the mobile subscriber is operating.

For these reasons alone, and in combination with the other stated reasons, the claims are allowable over the prior art of record. The Applicant respectfully requests the Examiner to withdraw the rejections and allow the claims as amended.

2. The Prior Art Relied Upon Do Not Teach Or Suggest A Host Enterprise Server Which Operates To Regularly Perform Data Synchronization For User Data Items Of A Personal Information Manager (PIM) Of the Wireless Device. The prior art relied upon by the Examiner also do not teach or suggest a host enterprise server which operates to regularly perform data synchronization for user data items (e.g. e-mail or calendar items) of a personal information manager of the wireless device.

One ordinarily skilled in the art will readily appreciate the meaning of *synchronization* or *data synchronization* of user data items between two devices via a wireless communication network. Further, one ordinarily skilled in the art will readily appreciate the meaning of a *Personal Information Manager* (PIM) application of a wireless device. If the Examiner is broadly interpreting such terminology in any other manner, the Applicant respectfully submits that such interpretation would be unreasonable.

To help explain, the Applicant previously provided a published encyclopedia explanation of "personal information manager" from Wikipedia, a popular online

encyclopedia source. As stated therein, “[a] personal information manager (PIM) is a type of application software that functions as a personal organizer. As an information management tool, a PIM’s purpose is to facilitate the recording, tracking, and management of certain types of ‘personal information’.” This encyclopedia explanation of “personal information manager” also makes reference to the term “synchronization” as used in this relevant context. The reference continues to state that “[s]ome PIM software products are capable of synchronizing data with another PIM over a computer network.”

As apparent, the prior art relied upon by the Examiner does not teach or suggest such limitations. With respect to these limitations, the Examiner makes reference to Boltz et al. in column 3 at lines 30—52. In that reference, however, Boltz et al. merely discuss communications within the network between MSC, HLR, and VLR. It is clear to one ordinarily skilled in the art that Boltz et al. do not teach or suggest “data synchronization” or a “personal information manager.”

In the Final Office Action (see e.g. page 2 of the Final Office Action), the Examiner is non-responsive to these reasons for allowability (previously presented in the Amendment of 15 January 2008). As described, the prior art relied upon does not teach any host enterprise server operative to regularly perform data synchronization for user data items of a personal information manager of a wireless device.

Even if the Examiner were to have valid arguments regarding this point (which is not believed to be true), it is difficult if not impossible for the Applicant to further prosecution of the present application without any response by the Examiner’s.

As apparent, it is clear that the prior art relied upon by the Examiner do not teach or suggest a host enterprise server which operates to regularly perform data synchronization for user data items (e.g. e-mail or calendar items) of a personal information manager of the wireless device.

For these reasons alone, and in combination with the other stated reasons, the claims are allowable over the prior art of record. The Applicant respectfully requests the Examiner to withdraw the rejections and allow the claims as amended.

3. The Prior Art Relied Upon Do Not Teach Or Suggest A Host Enterprise Server Which Operates To Both Regularly Perform Data Synchronization With As Well As Communicate Long Distance Call Restriction Information To A Wireless Device Via A Wireless Network. Further, the prior art relied upon by the Examiner do not teach or suggest a host enterprise server which operates to both regularly perform data synchronization in connection with a personal information manager application as well as communicate long distance call restriction information to a wireless device with a wireless network.

As described earlier above, the prior art relied upon by the Examiner do not teach or suggest a host enterprise server which operates to regularly perform data synchronization for user data items of a personal information manager application of a wireless device. It therefore follows that the prior art relied upon cannot teach or suggest a host enterprise server which operates to both perform data synchronization for a personal information manager and communicate long distance call restriction information to a wireless device.

In addition, as mentioned above, the technology focus in Boltz et al. is that of "Selective Carrier Denial" (SCD) (e.g. see 1:30-55) which is specifically used to prohibit long distance service for non-paying subscribers (e.g. see 1:39). Note that Boltz et al. teach the denial of all toll calls or toll calls associated with one or more particular carriers (e.g. AT&T, Sprint, etc.) associated with a wireless device. The information utilized to achieve this may include carrier identification information (e.g. see 4:45-53). The call prohibition technique taught in Boltz et al. is not selective in that the network information does not provide for any true identification of particular country codes or area codes to be restricted or allowed. There are no means in Boltz et al. to provide for

particular selectivity in long distance calling, and there would be no reason to provide for such selectivity in the teachings of Boltz et al.

As apparent, Boltz et al. not only fails to teach or suggest data synchronization for a personal information manager, but also fails to teach or suggest the communication of long distance call restriction information having country codes/area codes to a wireless device.

On page 2 of the Final Office Action, the Examiner states the following:

Boltz ... fails to specifically disclose the long distance call being indicative of one or more country codes or area codes. The examiner notes that long distance calling includes one or more country codes or area codes, therefore it is inherent in Boltz. Kirbas discloses the long distance call being indicative of one or more country codes or area codes (abstract, paras. 3-4, and 21-24). Therefore, the applied reference discloses applicant's argued limitation, and therefore rejections are maintained and repeated below.

The Applicant disagrees with the Examiner's assessment above. The Applicant does not claim long distance calls which include one or more country codes or area codes as the Examiner states. What is claimed is "long distance call restriction information being indicative of one or more country codes or area codes" (see e.g. claim 1). The further arguments presented by the Examiner are therefore inapplicable.

The teachings of Kirbas et al., for example, cannot simply be combined with the teachings of Boltz et al. as there is no adequate suggestion or motivation to do so. In general, there is no adequate suggestion or motivation to use e.g. specific area codes in the SCD feature of Boltz et al. It is an important objective to implement the SCD feature in Boltz et al. (see e.g. 1:30-55). Therefore, if the teachings of Boltz et al. were modified as suggested, the primary intent of Boltz et al. (i.e. the selective carrier denial feature) would be overlooked or defeated.

For these reasons alone, and in combination with the other stated reasons, the claims are allowable over the prior art of record. The Applicant respectfully requests the Examiner to withdraw the rejections and allow the claims as amended.

4. There Is No Adequate Reason Why One Ordinarily Skilled In The Art Would Have Modified The Teachings Of Boltz Et Al. With The Teachings Of Kirbas Et Al. There is no adequate reason why one ordinarily skilled in the art would have modified the teachings of Boltz et al. with the teachings of Kirbas et al. to produce that which is claimed.

For proper rejections under 35 U.S.C. Sect. 103(a), there must also be a proper obviousness/non-obviousness assessment that includes some adequate reasoning and/or demonstration that one ordinarily skilled in the art would have combined the teachings of the references to produce that which is claimed. When considering various prior art teachings for an obviousness/non-obviousness determination under §103,

the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. *Graham vs. John Deere Co. of Kansas City*, 383 U.S. 1, pp 17-18 (1966).

In this analysis, a functional approach may be taken which asks whether the improvement of the presented invention is more than a predictable use of prior art elements according to their established functions. It is also helpful and instructive to consider whether there is any teaching, suggestion, or motivation to combine the teachings of the references, either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art, in a flexible and



non-rigid manner. The reason or evidence of a motivation to combine teachings need not be found explicitly in the prior art references, as one may also “look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art.” *KSR Int’l Co. v. Teleflex Inc. et al.*, 127 S.Ct. 1727, at 1740-41.

In the present case, there is no adequate reason why one ordinarily skilled in the art would have modified the teachings of Boltz et al. with the teachings of Kirbas et al. to produce that which is claimed. The technology focus in Boltz et al. is that of “Selective Carrier Denial” (SCD) (e.g. see 1:30-55) which is specifically used to prohibit long distance service for non-paying subscribers (e.g. see 1:39). Note that Boltz et al. teach the denial of all toll calls or toll calls associated with one or more particular carriers (e.g. AT&T, Sprint, etc.) associated with a wireless device. The information utilized to achieve this may include carrier identification information (e.g. see 4:45-53). The call prohibition technique taught in Boltz et al. is not selective in that the network information does not provide for any true identification of particular country codes or area codes to be restricted or allowed. There are no means in Boltz et al. to provide for particular selectivity in long distance calling as claimed, and there would be no reason to provide for such selectivity in the teachings of Boltz et al.

The teachings in Kirbas et al. cannot simply be combined with the teachings of Boltz et al., as there would have been no adequate suggestion or motivation to do so. In general, there is no adequate suggestion or motivation to use e.g. specific area codes in the SCD feature of Boltz et al. It is an important objective to implement the SCD feature in Boltz et al. (see e.g. 1:30-55). Therefore, if the teachings of Boltz et al. were modified as suggested, the primary intent of Boltz et al. (i.e. the selective carrier denial feature) would be overlooked or even defeated. Thus, there is little suggestion or motivation to combine/modify the teachings of the references.

The present invention as defined by the claims is advantageous over the prior art of record in that *private* control may be provided for restricting *particular and specific* long distance calls for members of a group, separate from the governing wireless network, in a flexible and convenient manner for private entities such as companies and corporations, with use of a host enterprise server which provides for data synchronization in connection with a personal information manager.

For these reasons alone, and in combination with the other stated reasons, the claims are allowable over the prior art of record. The Applicant respectfully requests the Examiner to withdraw the rejections and allow the claims as amended.

Again, the Applicant reconsideration of the pending claims based on the reasons presented. The Applicant respectfully submits that the application is now in a condition suitable for allowance.

Thank you. Please feel free to contact the undersigned if it would expedite the prosecution of the present application.

Respectfully submitted,

/John J. Oskorep/

Date: 18 June 2008

JOHN J. OSKOREP  
Reg. No. 41,234

JOHN J. OSKOREP, ESQ. LLC  
ONE MAGNIFICENT MILE CENTER  
980 N. MICHIGAN AVENUE, SUITE 1400  
CHICAGO, ILLINOIS 60611 U.S.A.  
Telephone: (312) 222-1860 Fax: (312) 475-1850